

Suffolk

Superior Civil # 04-3534

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSFILED
CLERKS OFFICE

CIVIL ACTION NO. 2

MARLOW WILLIAMS,
Plaintiff

v.

& BOSTON POLICE DEPARTMENT
Defendants

04-12346 MLW



NOTICE OF REMOVAL
(Pursuant to 28 U.S.C. §1441)

The Defendant City of Boston petitions, pursuant to 28 U.S.C. §1441, for removal from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts the action entitled *Marlow Williams v. City of Boston, et. al.*, currently pending in Suffolk County as Civil Action No. 2004-3534D.

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

2004 NOV -4 P 12:25

MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

1. This action alleges that Defendants violated the Federal civil rights of Plaintiff, Marlow Williams, by using excessive force during his arrest for assault and battery on a police officer, resisting arrest, and numerous other violations regarding an incident on February 4, 2003. Plaintiff further makes claims for the tortious acts of assault and battery and violations of the Massachusetts Civil Rights Act under G.L. c. 12, §111.
2. In his Federal civil rights claims, the Plaintiff specifically alleges that Defendants violated 42 U.S.C. §1983. This action clearly "arises under the Constitution treaties or laws of the United States" and is therefore removable under 28 U.S.C. §1441.
3. A fair reading of the facts and theories as a whole make it apparent that Federal statutory law and issues are an essential part of the case and therefore, Defendants have the statutory right to remove this action;
4. This Notice of Removal is being filed within thirty (30) days of service upon Defendants; and

5. Upon information and belief, the individually named Defendants have given their consent for removal.

WHEREFORE, Defendant petitions that this action be removed.

Respectfully submitted,
DEFENDANT, CITY OF BOSTON
Merita A. Hopkins
Corporation Counsel
By its attorney,


HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY: 

ASSISTANT CLERK.

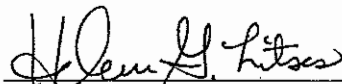


Helen G. Litsas
Assistant Corporation Counsel
BBO# 644848
Thomas R. Donohue
Assistant Corporation Counsel
BBO# 643483
City of Boston Law Department
Room 615, Boston City Hall
Boston, Massachusetts 02201
(617) 635-4023 (Litsas)
(617) 635-4039 (Donohue)

VERIFICATION

I, Helen Litsas, hereby swear under the pains and penalties of perjury that the statements of fact in the petition are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,
DEFENDANT, CITY OF BOSTON
Merita A. Hopkins
Corporation Counsel
By its attorney,



Helen G. Litsas
Assistant Corporation Counsel
BBO# 644848
Thomas R. Donohue
Assistant Corporation Counsel
BBO# 643483
City of Boston Law Department
Room 615, Boston City Hall
Boston, Massachusetts 02201
(617) 635-4023 (Litsas)
(617) 635-4039 (Donohue)

CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that I served the Defendant, City of Boston's Notice of Removal upon the Plaintiff by mailing a copy, postage prepaid, to:

Marlow Williams No. 0303857
Suffolk County House of Correction
20 Bradston Street
Boston, MA 02108

11/4/04

Date

Helen G. Litsas

Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT

Case Summary
Civil Docket

11/05/2004
10:46 AM

SUCV2004-03534

Willams, Sr., #000303857 v Callender Boston Police Officer et al

File Date	08/10/2004	Status	Disposed: transfered to other court (dtrans)
Status Date	11/04/2004	Session	D - Civil D
Origin	1	Case Type	E96 - Prisoner Cases
Lead Case		Track	F

Service	11/08/2004	Answer	01/07/2005	Rule12/19/20	01/07/2005
Rule 15	01/07/2005	Discovery	06/06/2005	Rule 56	07/06/2005
Final PTC	08/05/2005	Disposition	10/04/2005	Jury Trial	No

PARTIES

Plaintiff
Marlow Willams, Sr., #000303857
Suffolk County Hse of Correction
20 Bradston St
Boston, MA 02118
Active (prisoner) 08/10/2004 Notify

Defendant
Grant Callender Boston Police Officer
Service pending 08/10/2004

Defendant
Otis Harewood Boston Police Office
Service pending 08/10/2004

Defendant
Greg Long Boston Police Officer
Service pending 08/10/2004

Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket11/05/2004
10:46 AM

SUCV2004-03534

Willams, Sr., #000303857 v Callender Boston Police Officer et al

DefendantBrian Albert Boston Police Officer
Service pending 08/10/2004**Defendant**Edward Meade Boston Police Officer
Service pending 08/10/2004**Defendant**John Conroy Boston Police Officer
Service pending 08/10/2004**Defendant**City of Boston
Service pending 08/10/2004**Private Counsel 644848**Helen G Litsas
Boston (City of) Law Dept
1 City Hall Plaza
Room 615
Boston, MA 02201
Phone: 617-635-4023
Fax: 617-635-6199
Active 11/05/2004 Notify**Private Counsel 643483**Thomas R Donohue
Boston (City of) Law Dept
City Hall Plaza
Room 615
Boston, MA 02201
Phone: 617-635-4039
Fax: 617-635-3199
Active 11/05/2004 Notify

ENTRIES

Date	Paper	Text
08/10/2004	1.0	Affidavit of indigency and Request for Waiver, substitution or state payment of normal fees & costs, allowed subject to review by Judge (IMPOUNDED)
08/10/2004	2.0	Complaint
08/10/2004		Origin 1, Type E96, Track F.

Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket

SUCV2004-03534

Willams, Sr., #000303857 v Callender Boston Police Officer et al

Date	Paper	Text
08/10/2004	3.0	Civil action cover sheet filed
08/26/2004	4.0	ORDER TO COUNTY SHERIFF TO PROVIDE CERTAIN INFORMATION REGARDING INMATE ACCOUNT RELATIVE TO PLAINTIFF'S MOTION TO WAIVE FILING FEE AND PROCEED IN FORMA PAUPERIS -- The plaintiff in the above-captioned action has filed a motion to waive the filing fee and court costs (normal) and to proceed in forma pauperis. Pursuant to G.L. c261 s29, the correctional facility where the prisoner is currently incarcerated shall file a document showing the current status of the plaintiff's canteen account and savings account, if any, and the account activity for the past six (6) months. The document shall be filed within thirty (30) days of the date of this order. The statement is to be mailed to: SUFFOLK SUPERIOR COURT, CIVIL CLERK'S OFFICE, PRISONER DEPARTMENT, RM. 810, 90 DEVONSHIRE STREET, BOSTON, MA. 02109. By the Court, (White, Justice) Notice Sent 08/26/2004.
08/26/2004	5.0	ORDER: After a review of your petition and correspondence, the Court has instructed the Clerk's Office to take the following action: Service is to be made upon defendant's by means of certified mail by plaintiff. A copy of the complaint is to be sent to the Office of the Attorney General or the Department of Corrections by the Plaintiff. By the Court, (White, Justice) Notice Sent 08/26/2004.
09/02/2004	6.0	ORDER: NOTICE OF WAIVER OF COURT COSTS AND REQUEST FOR PAYMENT TO BE WITHDRAWN FROM ACCOUNT (PURSUANT TO G.L.c.261 sec.29) -- The Prisoner/plaintiff in the above-captioned action has filed a motion to waive the filing fee of \$275.00 and court costs (normal) and to proceed in forma pauperis. After reviewing the affidavit of indigency and the statement of inmate account provided by the correctional facility, the court hereby orders: The plaintiff is incapable of paying the filing fee and may proceed in forma pauperis. By the Court (White, Justice) Notice Sent 09/02/2004.
11/04/2004		Certified copy of petition for removal to U. S. Dist. Court of Deft. City Of Boston U. S. Dist. #(04-12346MLW).
11/04/2004		Case REMOVED this date to US District Court of Massachusetts

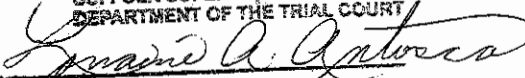
EVENTS

HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004 THAT THE

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY 

ASSISTANT CLERK.

**Commonwealth of Massachusetts
County of Suffolk
The Superior Court**

1

CIVIL DOCKET#: SUCV2004-03534-D

RE: Williamsx Sr v Callender Boston Police Officer et al

TO: Marlow Williamsx Sr
Suffok County House of Correctio
20 Bradston St
Boston, MA 02118

NOTICE OF DOCKET ENTRY

You are hereby notified that on **08/10/2004** the following entry was made on the above referenced docket:

**Affidavit of indigency and Request for Waiver, substitution or state payment
of normal fees & costs, allowed subject to review by Judge (IMPOUNDED)**

Dated at Boston, Massachusetts this 25th day of August,
2004.

Michael Joseph Donovan,
Clerk of the Courts

BY:
Assistant Clerk

Telephone: 617-788-8110

HEREBY ATTEST AND CERTIFY ON
NOV. 5, 2004 THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY: 

ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

SUFFOLK, ss.

SUPERIOR CIVIL COURT

DOCKET NO. _____

04-3534 D

COMPLAINT

Markus Williams Sr.)

v.)

Corant Callender)

and)

Otis Harewood)

and)

Craig Long)

and)

Brian Albert)

and)

Edward Meade)

and)

John Conroy)

and)

City of Boston)

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2004 SEP 10 A 11:39
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

PARTIES

1. The plaintiff in all counts is Markus Williams Sr., Inmate # 0303857, Suffolk County House of Correction, 20 Bradston Street, Boston, MA 02118.
2. The defendant in Counts One, Two, and Three is Corant Callender, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.
3. The defendant in Counts Four, Five, and Six is Otis Harewood, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.
4. The defendant in Counts Seven, Eight, and Nine, is Craig Long, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.
5. The defendant in Counts Ten, Eleven, and Twelve, is Brian Albert, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.
6. The defendant in Counts Thirteen, Fourteen, and Fifteen, is Edward Meade, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.

7. The defendant in Counts Sixteen, Seventeen, and Eighteen, is John Conroy, a Boston Police officer with a business address of One Schroeder Plaza, Boston, MA 02120.
8. Count Nineteen is against defendant City of Boston, for harm negligently inflicted upon plaintiff, due to the negligence of the individual defendants named above, and due to the negligence of the City of Boston to reasonably train and supervise the individual defendants named above.

COUNT ONE

1. This count is against defendant Grant Callendar for the intentional tort of assault and battery against plaintiff under common law.
2. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: Striking the plaintiff in the face, head, and body area with a blunt object called a "sap stick," used to strike the plaintiff multiple times, who was unarmed and in close custody of multiple officers.
4. The conduct of defendant Grant Callendar in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.
5. As the result of the conduct of defendant Grant Callendar as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a suit for an intentional tort.
7. Plaintiff therefore claims relief for intentional assault and battery by defendant Grant Callendar, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant Grant Callendar for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT TWO

1. This count is against the defendant Grant Callendar personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.
2. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: Striking the plaintiff in the face, head, and body area with a blunt object called a

"sap stick" used to strike the plaintiff multiple times, who was unarmed and in close custody of multiple officers.

4. The conduct of defendant Grant Callendar in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant Grant Callendar in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Grant Callendar as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Grant Callendar, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant Grant Callendar for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT THREE

1. This count is against the defendant Grant Callendar, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C s. 1983.
2. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Grant Callendar, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows:
Striking the plaintiff in the face, head, and body areas with a blunt object called a "sap stick" used to strike the plaintiff multiple times, who was unarmed and in close custody of multiple officers.
4. The conduct of defendant Grant Callendar in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.
5. The conduct of defendant Grant Callendar in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.

6. As the result of the conduct of defendant Grant Callender as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Grant Callender, personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant Grant Callender for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT FOUR

1. This count is against defendant Officer Harewood for the intentional tort of assault and battery against plaintiff under common law.
2. On or about February 4, 2003, defendant Officer Harewood, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Officer Harewood, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: Striking the plaintiff with closed fist to the face, head and body areas multiple times, who was unarmed and in close custody of several officers
4. The conduct of defendant Officer Harewood in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.
5. As the result of the conduct of defendant Officer Harewood as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a suit for a intentional tort.
7. Plaintiff therefore claims relief for intentional assault and battery by defendant Officer Harewood, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant Officer Harewood for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT FIVE

1. This count is against the defendant Officer Harewood personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.

2. On or about February 4, 2009, defendant Otis Harewood, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2009, defendant Otis Harewood, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff with closed fist to the face, head, and body areas multiple times while was unarmed and in close custody of multiple officers.
4. The conduct of defendant Otis Harewood in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant Otis Harewood in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Otis Harewood as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Otis Harewood, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant Otis Harewood for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT SIX

1. This count is against the defendant Otis Harewood, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C. s. 1983.
2. On or about February 4, 2009, defendant Otis Harewood, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2009, defendant Otis Harewood, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff with closed fist to the face, head, and body areas multiple times while was unarmed and in close custody of multiple officers.
4. The conduct of defendant Otis Harewood in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.

5. The conduct of defendant Otis Harewood in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.

6. As the result of the conduct of defendant Otis Harewood as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.

7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.

8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Otis Harewood, personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant Otis Harewood for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT SEVEN

1. This count is against defendant Craig Long for the intentional tort of assault and battery against plaintiff under common law.

2. On or about February 4, 2003, defendant Craig Long, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.

3. On or about February 4, 2003, defendant Craig Long, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: striking the plaintiff in the ribs, legs and lower body areas with closed fist multiple times, who was unarmed and in close custody of multiple officers.

4. The conduct of defendant Craig Long in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.

5. As the result of the conduct of defendant Craig Long as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.

6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a suit for a intentional tort.

7. Plaintiff therefore claims relief for intentional assault and battery by defendant Craig Long, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant Craig Long for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT EIGHT

1. This count is against the defendant Greg Long personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.
2. On or about February 4, 2003, defendant Greg Long, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force that reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Greg Long, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: Striking the plaintiff in the ribs, legs, and lower body areas with closed fist multiple times. who was unarmed and in close custody of multiple officers.
4. The conduct of defendant Greg Long in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant Greg Long in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Greg Long as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Greg Long, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant Greg Long for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT NINE

1. This count is against the defendant Greg Long, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C s. 1983.
2. On or about February 4, 2003, defendant Greg Long, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force that reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Greg Long, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: Striking the plaintiff in the ribs, legs, and lower body areas with closed fist multiple times. who was unarmed and in close custody of multiple police officers.

4. The conduct of defendant Craig Long in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.
5. The conduct of defendant Craig Long in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Craig Long as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Craig Long, personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant Craig Long for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT TEN

1. This count is against defendant Brian Albert for the intentional tort of assault and battery against plaintiff under common law.
2. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: striking the plaintiff with closed fist to the face and body areas multiple times, who was unarmed and in close custody of multiple officers
4. The conduct of defendant Brian Albert in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.
5. As the result of the conduct of defendant Brian Albert as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4; prior to bringing a suit for a intentional tort.
7. Plaintiff therefore claims relief for intentional assault and battery by defendant Brian Albert, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant Brian Albert for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT ELEVEN

1. This count is against the defendant Brian Albert personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.
2. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, in the course of using excessive force, in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff with closed fist to the face, and the body areas multiple times. who was unarmed and in close custody of multiple officers
4. The conduct of defendant Brian Albert in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant Brian Albert in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Brian Albert as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Brian Albert, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant Brian Albert for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT TWELVE

1. This count is against the defendant Brian Albert, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C. s. 1983.
2. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Brian Albert, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff with closed fist to the face, and body areas multiple times. who was unarmed and in close custody of multiple officers

4. The conduct of defendant Brian Albert in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.
5. The conduct of defendant Brian Albert in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Brian Albert as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Brian Albert, personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant Brian Albert for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT THIRTEEN

1. This count is against defendant Edward Meade for the intentional tort of assault and battery against plaintiff under common law.
2. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: Striking the plaintiff in the head, face, and body area multiple times, who was unarmed and in close custody of multiple officers.
4. The conduct of defendant Edward Meade in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.
5. As the result of the conduct of defendant Edward Meade as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a suit for a intentional tort.
7. Plaintiff therefore claims relief for intentional assault and battery by defendant Edward Meade, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant Meade, Edward for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT FOURTEEN

1. This count is against the defendant Edward Meade personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.
2. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force that reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff in the head, face, and body area multiple times, who was unarmed and in close custody of multiple officers.
4. The conduct of defendant Edward Meade in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant Edward Meade in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant Edward Meade as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Edward Meade, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant Edward Meade for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT FIFTEEN

1. This count is against the defendant Edward Meade, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C s. 1983.
2. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force that reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant Edward Meade, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff in the head, face, and body areas multiple times, who was unarmed and in close custody of multiple officers.

4. The conduct of defendant Edward Meade in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.

5. The conduct of defendant Edward Meade in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.

6. As the result of the conduct of defendant Edward Meade as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.

7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.

8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant Edward Meade personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant Edward Meade for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT SIXTEEN

1. This count is against defendant John Conroy for the intentional tort of assault and battery against plaintiff under common law.

2. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, without consent, justification, or excuse, intentionally used more force than reasonably necessary to arrest plaintiff.

3. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally struck and harmed the plaintiff as follows: striking the plaintiff in the face, head, and body area with closed fist multiple times. who was unarmed and in close custody of multiple officers

4. The conduct of defendant John Conroy in striking plaintiff and in using excessive force in said arrest has constituted an intentional assault and battery against plaintiff in violation of common law.

5. As the result of the conduct of defendant John Conroy as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.

6. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a suit for a intentional tort.

7. Plaintiff therefore claims relief for intentional assault and battery by defendant John Conroy, personally, under the common law.

Wherefore, Plaintiff prays for judgment against defendant John Conroy for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT SEVENTEEN

1. This count is against the defendant John Conroy personally for civil rights violations against plaintiff under state law, M.G.L. c. 12 s. 11I.
2. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff in the face, head, and body area with closed fist multiple times, who was unarmed and in close custody of multiple officers.
4. The conduct of defendant John Conroy in using excessive force in said arrest has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under state law.
5. The conduct of defendant John Conroy in using excessive force in said arrest constituted a form of coercion against plaintiff in that it forced plaintiff to suffer an unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant John Conroy as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant John Conroy, personally, for violations of civil rights under state law.

Wherefore, Plaintiff prays for judgment against defendant John Conroy for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT EIGHTEEN

1. This count is against the defendant John Conroy, a Boston Police Officer, personally for civil rights violations against plaintiff under federal law, 42 U.S.C. s. 1983.
2. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, under color of state law, without consent, justification, or excuse, intentionally and/or recklessly used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, defendant John Conroy, a Boston Police Officer, under color of state law, in the course of using excessive force in said arrest, intentionally and/or recklessly struck and harmed the plaintiff as follows: striking the plaintiff in the face, head, and body area with closed fist multiple times, who was unarmed and in close custody of multiple officers.

4. The conduct of defendant John Conroy in using excessive force in said arrest under color of state law has constituted deliberate, reckless, or callous conduct, in violation of plaintiff's civil rights under federal law.
5. The conduct of defendant John Conroy in using excessive force in said arrest forced plaintiff to suffer the unauthorized, cruel punishment of an unlawful beating.
6. As the result of the conduct of defendant John Conroy as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. No notice of claim is required to be mailed under M.G.L. c. 258 s. 4, prior to bringing a civil suit for violation of civil rights.
8. Plaintiff therefore claims relief for intentional, reckless, or callous conduct against defendant John Conroy, personally, for violations of civil rights under federal law.

Wherefore, Plaintiff prays for judgment against defendant John Conroy for \$1 million in compensatory damages, and for such punitive damages as the court may award.

COUNT NINETEEN

1. This count is against the defendant City of Boston, a municipal corporation with a principal office c/o the Boston Mayor, One City Hall square, Boston, MA 02201, Boston Police Officer, for harm negligently inflicted upon plaintiff, due to the negligence of the individual defendants named above, and due to the negligence of the City of Boston to reasonably train and supervise the individual defendants named above.
2. On or about February 4, 2003, all the human defendants, each a Boston Police Officer, without consent, justification, or excuse, negligently used more force than reasonably necessary to arrest plaintiff.
3. On or about February 4, 2003, all the human defendants, each a Boston Police Officer, in the course of using excessive force in said arrest, negligently struck and harmed the plaintiff as follows:
striking the plaintiff in the head, face, and body areas
multiple times using closed fist and/or blunt objects as
weapons multiple times. who was unarmed and in close custody of multiple officers
4. The City of Boston has failed to reasonably train and supervise the individual defendants named above.
6. As the result of the conduct of the defendants as described herein, plaintiff has suffered pain and suffering, has lost earnings potential, and has lost significant physical ability.
7. A notice of claim was mailed to the Boston Mayor by certified mail over six months ago under M.G.L. c. 258 s. 4, prior to bringing this count for negligence.
8. Plaintiff therefore claims relief for negligence against defendant City of Boston.

Wherefore, Plaintiff prays for judgment against defendant City of Boston for \$600,000 in compensatory damages (\$100,000 per human defendant).

Date: August 2, 2004

Markus Williams Jr.
(Signature)

Markus Williams Jr., pro se
(Printed Name)

Booking No. 0303857
Suffolk County House of Correction
20 Bradston Street
Boston, MA 02118

I HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2005 THAT THE

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY

Lorraine A. Ostosca

ASSISTANT CLERK.

PLAINTIFF Markon Williams Sr. (Plaintiff's Firm Name, Address and Tel.)	DEFENDANT(S) Great Atlantic Life Insurance Co., Inc., Lexington, MA; Police Officer Edward [redacted] John Conroy, City of Boston ATTORNEY(S) (if known)
Markon Williams Sr. Esq. and of Bar Overseers # (Required)	

ORIGIN CODE AND TRACK DESIGNATION

see an ☒ in one box only:

- | | |
|---|---|
| <input type="checkbox"/> 1. F01 Original Complaint
<input checked="" type="checkbox"/> 2. F02 Removal to Sup. Ct. c231, s. 104 (F)
<input type="checkbox"/> 3. F03 Retransfer to Sup. Ct. c231, s. 102C (X) | <input type="checkbox"/> 4. F04 District Ct. Appeal c231, s. 57 (X)
<input type="checkbox"/> 5. F05 Reactivated after Rescript, Relief from judgment/order (Mass. R. Civ. P. 60) (X)
<input type="checkbox"/> 6. E10 Summary process appeal (X) |
|---|---|

E96 TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)			
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
E96	Intentional Tort/Negligence/Personal Injury (F)		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

- On February 7, 2003, the plaintiff was arrested at 38 Coleman St.
- During the arrest the plaintiff suffered multiple injuries to the face, head, and body.
- The brutal assault and battery committed by the defendants was without any legal justification and without provocation by the plaintiff who was unarmed and in close custody of multiple officers.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE E) STATE, WITH PARTICULARITY:

MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED \$25,000: 1. Compensation in the amount of \$6,000,000 for emotional distress, police misconduct, violation of civil rights under the 4th and 14th amendments, police brutality, excessive force, head trauma, mental distress, and pain & suffering.

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

NATURE OF ATTORNEY OF RECORD OR PLAINTIFF	DATE
Markon Williams Sr.	August 2, 2004

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

DISPOSITION		RECEIVED
A. Judgment Entered <input type="checkbox"/> 1. Before jury trial or non-jury hearing <input type="checkbox"/> 2. During jury trial or non-jury hearing <input type="checkbox"/> 3. After jury verdict <input type="checkbox"/> 4. After court finding <input type="checkbox"/> 5. After post trial motion	B. No Judgment Entered <input type="checkbox"/> 6. Transferred to District Court under G.L. c.231, s.102C Disposition Date: _____	BY: _____ DATE: _____ DISPOSITION ENTERED BY: _____ DATE: _____

6-100 035-012

CLERK / MAGISTRATE'S OFFICE

HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004, THAT THE

FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

By: *Lorraine A. Antosca*
ASSISTANT CLERK.

County of Suffolk
The Superior Court

CIVIL DOCKET#: SUCV2004-03534

Marlow Willams, Sr., #000303857,
Plaintiff(s)

vs.

Grant Callender Boston Police Officer, Otis Harewood Boston Police Office, Greg Long
Boston Police Officer, Brian Albert Boston Police Officer, Edward Meade Boston Police
Officer, John Conroy Boston Police Officer,
Defendant(s)ORDER TO COUNTY SHERIFF TO PROVIDE CERTAIN INFORMATION
REGARDING INMATE ACCOUNT
RELATIVE TO PLAINTIFF'S MOTION TO WAIVE FILING FEE
AND PROCEED IN FORMA PAUPERIS

The plaintiff in the above-captioned action has filed a motion to waive the filing fee and court costs (normal) and to proceed in forma pauperis.

Pursuant to G.L. c261 s29, the correctional facility where the prisoner is currently incarcerated shall file a document showing the current status of the plaintiff's canteen account and savings account, if any, and the account activity for the past six (6) months. The document shall be filed within thirty (30) days of the date of this order. The statement is to be mailed to:

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
PRISONER DEPARTMENT, RM. 810
90 DEVONSHIRE STREET
BSOTON, MA. 02109

Dated at Boston, Massachusetts this 26th day of August, 2004.

By the Court, (White, Justice)

BY:



Assistant Clerk

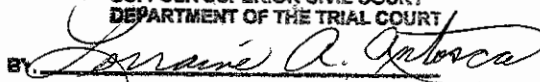
Notice Sent: 08/26/2004 (ah)
M.W. A.J.C.
(Pro Se) SHERIFF

I HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY:



ASSISTANT CLERK.

SUFFOLK, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
NO. 04-3534-DPRISONER PETITIONS - CIVIL ACTION DISPOSITION SHEET

TO: MARLOW WILLIAMS, SR., #000303857.
 ADDRESS: SUFFOLK COUNTY HOUSE OF CORRECTION
 20 BRADSTON STREET
 BOSTON, MA. 02118

DATE:

After a review of your petition and correspondence, the Court has instructed the Clerk's Office to take the following action:

- | | |
|---|---|
| <p>() (See attached Order)</p> <p>(✓) Service is to be made upon defendant(s) by means of <u>(certified)</u> (regular) mail by plaintiff(s).</p> <p>(✓) A copy of the complaint is to be sent to the Office of the Attorney General or the Department of Corrections by the plaintiff(s).</p> <p>() a copy of the petition is to be sent to the Mass. Correction Legal Service for review and report as to legal representation in this matter.</p> <p>() The trial date of this case will be scheduled by the Clerk's Office and you will be notified.</p> <p>() The case is to be heard by the Court on the basis of briefs and affidavits only on _____, pursuant to the (plaintiff's) (defendant's) motion _____.</p> <p>() _____</p> | <p>() The correspondence is to be returned to you because:</p> <p>() it fails to state a claim upon which relief can be granted.</p> <p>() it is a duplication of your pending case in this Court.</p> <p>() it fails to comply with the procedural requirements of Mass. G.L. 258 (Mass. Tort Claims Act) of providing six months notice to the defendant prior to the filing of a complaint and specifically naming the Commonwealth as a defendant.</p> <p>() It fails to state that the proper administrative remedies have been exhausted.</p> <p>() It is incomprehensible.</p> |
|---|---|

NOTICE SENT: 08/26/2004 (ah)
 M.W. -(Pro Se)

SUMMONSES, ETC. MAILED

DATE: 8-26-04ATTEST: (C. White J.)

 ASSISTANT CLERK

I HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004

THAT THE

FOREGOING DOCUMENT IS A FULL,
 TRUE AND CORRECT COPY OF THE
 ORIGINAL ON FILE IN MY OFFICE,
 AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
 CLERK / MAGISTRATE
 SUFFOLK SUPERIOR CIVIL COURT
 DEPARTMENT OF THE TRIAL COURT

By: 

ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

SPECIAL AMENDMENT TO SUPERIOR COURT RULE 9A
FOR INMATE CIVIL CASES

Inmates who have Civil Cases pending in Superior Court will not be required to comply with the changes in Rule 9A which became effective in January, 1990. That is, instead of "packaging" motions and responses thereto, as required by the amended Rule 9A, inmates may follow the old Rule 9A which allows direct mailing of all motions and responses to the Clerk-Magistrate's Office. This Special Amendment will relieve inmates of the burden of packaging motions and responses, and also save them the cost of mailing said package to the Clerk's Office.

Robert L. Steadman, J.
Chief Justice of the Superior Court

Date _____

Case to enter w/o fee. Plaintiff(s) to serve by certified mail, copy
to Attorney General. Summonses sent to Plaintiff at no cost.
Hearing set for

() ATT: _____
Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

NOTICE

RE: CIVIL PRISONER COMPLAINTS

Your return of service must be in compliance with the Court's endorsement entered on your complaint at the time of entry. If a complaint is to be served by certified mail, the return must be accompanied Certified with Return Receipt Card. If the receipts are unavailable, the return should be accompanied by Affidavit of Service stating that the complaint was served by certified mail. Additionally, all documents filed in Court must contain an original signature. Failure to comply with these rules will result in the returning of documents.

Assistant Clerk

DATE:

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

ADMINISTRATIVE DIRECTIVE 92-1

This administrative directive is implemented to address the unique problems that often accompany a civil action that is filed by someone who is incarcerated. Its aim is to promote a just and speedy resolution of these civil actions by ensuring:

1. That upon filing, the complaint is entered expeditiously and appropriate notice is sent.
2. That all named parties receive actual notice of the litigation.
3. That the cases proceed in a timely and cost effective manner.

Accordingly, it is ordered that upon the filing of the complaint, the Clerk is to pass upon the sufficiency of the affidavit of indigency (in almost all cases, the prisoner is indigent but has access to limited funds) and if indigent, to authorize service of process by certified mail on all named defendants - copy to the Attorney General. With notification of this action, the Clerk is to provide the plaintiff with the appropriate number of blank summonses. It is the obligation of the plaintiff to provide the requisite number of copies of the complaint and to complete the summons to perfect service. In those rare instances wherein the plaintiff has no funds, (ex: not in the general population of the prison), service may be authorized by regular mail and the Court is to provide the appropriate number of blank summonses.

With the notice of the Court's action, the plaintiff is also to be notified of what is required in filing a return of service and of the waiving of that part of Superior Court Rule 9A which requires the packaging of motions and responses thereto.

When a complaint filed by an inmate requires other than money damages, the complaint is to be reviewed by a justice for whatever action he or she deems appropriate. For example, it is the discretion of the justice to decide a requisite for a preliminary injunction upon the submissions and not the presence of the inmate.

This administrative directive is to take effect forthwith.

Robert L. Steadman
Chief Justice of the Superior Court

Dated: May 1, 1992

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

6

CIVIL DOCKET#: SUCV2004-03534

Marlow Williams, Sr., #000303857,
Plaintiff(s)

vs

Grant Callender Boston Police Officer, Otis Harewood Boston Police Office, Greg Long Boston Police Officer, Brian Albert Boston Police Officer, Edward Meade Boston Police Officer, John Conroy Boston Police Officer,
Defendant(s)

NOTICE OF WAIVER OF COURT COSTS AND REQUEST
FOR PAYMENT TO BE WITHDRAWN FROM ACCOUNT
(PURSUANT TO G.L. c. 261 sec. 29)

The prisoner/plaintiff in the above-captioned action has filed a motion to waive the filing fee and court costs (normal) and to proceed in forma pauperis. After reviewing the affidavit of indigency and the statement of inmate account provided by the correctional facility, the court hereby orders:

☒ The plaintiff is incapable of paying the filing fee and may proceed in forma pauperis.

Suffolk Superior Civil Clerk's Office
Suffolk Superior Court
John W McCormack Post Office & Courthouse
90 Devonshire Street, Room 810
Boston, MA 02109

Dated: 09/02/2004

By the Court (White, Justice)

BY:

Assistant Clerk

NOTICE SENT: 09/02/2004 (ah)
M.W. -(Pro Se)

HEREBY ATTEST AND CERTIFY ON

NOV. 5, 2004, THAT THE

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY:

ASSISTANT CLERK.

**Commonwealth of Massachusetts
County of Suffolk
The Superior Court**

RE: SUCV2004-03534 Marlow Williams, Sr., #000303857

The undersigned prisoner/plaintiff authorizes the Commission of Correction or the County Sheriff and the Superintendent of the facility where he or she is incarcerated to withdraw the payment(s) as ordered above and send it to the court. If installment payments are ordered, this authorization remains in effect for each monthly payment unless the undersigned revokes authorization in writing. This authorization is valid in any state or county correctional facility to which the prisoner may be transferred.

Prisoner/Plaintiff

Dated: _____

31-AUG-2004 10:33

Page 1

Transaction Detail for
83155 WILLIAMS, MARLOW

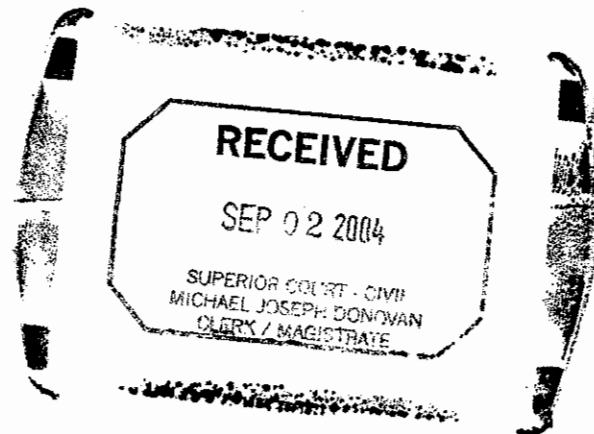
#04-3534

Date	Transaction	Amount
09/22/2003	INTER TRF 83155 N-H	2.68
10/03/2003	VISIT ROLAND	30.00
10/05/2003	VISIT MAIL	20.00
10/10/2003	VISIT GEORGE	20.00
10/13/2003	MEDICAL med.10/3/03	-5.00
11/17/2003	VISIT ROLAND	30.00
11/18/2003	MEDICAL 10/6/03	-5.00
11/25/2003	MAIL POSTAL 308384	5.00
11/28/2003	VISIT ON THE RUN 79103739341	10.00
12/09/2003	MAIL POSTAL 06529410437	10.00
02/11/2004	MAIL US POSTAL 7877	20.00
02/16/2004	VISIT HERB	5.00
04/25/2004	VISIT LOBBY 026439924	37.00
05/04/2004	VISIT TRAVELERS 44694247026	50.00
06/08/2004	MEDICAL MED COPAY 3/9/04	-8.00
07/08/2004	VISIT TRAVELERS 44973736632	30.00
	PURCHASE, Commissary and vending purchases	-251.49
	Total:	0.19

per [Signature] 9-3-04

(Offender)

(Officer)



Balance of \$ 0.19 has been certified by:

[Signature]

8/31/2004

Daniel F. Martini, Director of Budget & Inmate Finance
Suffolk County Sheriff's Department - SCHOC
20 Bradston St, Boston, MA 02118 - (617) 635-1000 ext. 6531